



**KEEPING YOUR STAFF
AND YOURSELF SAFE**

THE **ANGRY** CLIENT

By DANA L. COGAN

Attorneys who practice in the area of family law work in a war zone. Conflict between divorcing spouses can reach a feverish pitch as clients fight their way toward resolution of their disputes within an adversarial process.

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More often than not, parties enter the attorney's office having been wounded by the actions and demeaning statements of a spouse from whom they are separating or divorced. Most often, they direct their anger and pain toward the person who has inflicted their wounds. However, too often, that anger also is directed toward the professional they hire to represent them.

Anger or personality disorders are not gender linked. A client who is sufficiently incensed may express this anger in destructive ways. He or she may bad-mouth a lawyer to friends, family, and other members of the community. Given our easy access to the Internet, these clients may post online malicious critiques of the lawyer's work—which can be difficult to eradicate, even when clearly libelous. In a worst-case scenario, the attorney may be attacked physically, resulting in permanent physical impairment or even death.

Maintaining one's safety on the battlefield of domestic relations should be at the forefront of every attorney's thinking from the moment a client walks in the door. Ensuring personal safety requires being educated about where the client's anger comes from, what triggers it, how to assess its lethality, and what can be done to ensure that the client's anger doesn't get out of control and cause damage.

Where does anger come from?

Anger is a feeling that we humans experience whenever we perceive unfair treatment. A client can become angry when he or she believes an attorney has charged for work that has not been completed satisfactorily, overbilled for work, failed to keep a promise, or not lived up to the a client's expectations—however ill-founded or unreasonable.

Most clients expect their attorney to protect them as they go through the legal process and to ensure that justice prevails, which usually means the outcome should validate the client's perspective regarding issues in dispute. When a client's perception is not validated, he or she may blame the attorney who, according to the client, has behaved incompetently, evidenced by an outcome that the client believes to be unfair and unjust. This is particularly true when the attorney has made a virtual guarantee regarding the end result of the legal process or when the client *believes* the attorney has done so.

Clients typically enter an attorney's office in a highly emotional state. Their feelings, wishes, and needs too often overwhelm their ability to think rationally. The intensity of a client's emotions may make hearing what the attorney tells them difficult, particularly when the attorney is communicating something contrary to the client's wishes or beliefs.

Misperception early in the attorney-client relationship may leave the client believing that the attorney has greater power and authority than he or she actually has. When such misperceptions aren't corrected, the client is likely to expect more from the attorney than realistically can be delivered, setting up a situation that leads to disappointment, frustration, and anger when the client's wishes don't come true.

Likewise, situations from the past can compound the client's emotional state and make the client more likely to over-react to the present. When there is a litany of past unfair treatment—perceived or real—coupled with smoldering resentment about ongoing needs that remain unmet, the client is more likely to view the lawyer's behavior as unfair. The psychological term for this process is "transference."

Transference refers to the transfer of feelings and attitudes from a person or people in the past to a person in the present. A client may become angry when he or she perceives that the attorney has behaved in the same unfair and hurtful manner as someone from his or her past. For example, if the attorney behaves in a demeaning fashion, similar to the way a critical parent or divorcing spouse treated the client in the past, the client may experience those feelings from the past and from the present simultaneously, making the intensity of those feelings greater than the situation in the present warrants.

Anger also is the emotion clients are likely to experience when they feel frustrated and overwhelmed, especially when they believe the situation is unfair but also when they have trouble assuming responsibility for their mistakes. Clients who characteristically project blame are generally protecting their self-esteem. They become angry at someone else because they cannot suffer the feelings of inadequacy and vulnerability that come with admitting mistakes and personal failure. Unable to accept blame, the client finds it easier to place that blame on someone else.

Finally, anger can serve as a protective (defense) mechanism when a person finds an underlying feeling intolerable, such as pain and helplessness. Anger can be used to block pain and other "negative" feelings when a person is unable to allow

deeper feelings into consciousness. In the case of a divorcing party, especially a man, crying may be viewed as a shameful sign of inadequacy and weakness. Expressing anger, instead of expressing sadness, is more manly and gives the client a sense of power when deep down he is feeling powerless.

What causes conflict?

In my experience, there are two primary sources of conflict. The first relates to a perception that one's ability to survive physically and/or psychologically is threatened because one's needs have not been met over a period of time and, thus, are not anticipated to be met in the future. A shortage of food, water, sufficient warmth, and life's other basic necessities often will cause one person to fight another to ensure survival. The same is true of emotional needs, such as love, empathy, companionship, and the ability to feel safe in a relationship.

Most conflict stems from another source, however, namely an attack on self-esteem. Narcissistic injury occurs when one member of a couple directs his or her frustration, anger, and pain at the other in a manner that is demeaning and hurtful. Particularly good ways of damaging another person's self-esteem include name-calling, belittling, discounting, pointing out flaws and inadequacies, blaming, and claiming that he or she is unlovable.

When the damage to self-esteem is severe, most people become angry. The anger may be directed inward, such that the injured party attacks his or her own self-esteem, in essence siding with the perpetrator. It also may be directed outward, sometimes at the perpetrator, or at others who are considered safer, such as a support person, including that person's attorney or law firm staff.

How vulnerable a person is to narcissistic injury is dependent upon a number of factors, including, but not limited to that person's: (1) sense of self before the attack; (2) psychological stability; (3) having been traumatized earlier in life; (4) ability to maintain objectivity while under stress; (5) tendency to react quickly or to process the attack before responding; (6) overall degree of impulsivity; (7) pain threshold; (8) cognitive abilities or lack thereof; (9) ability to form and maintain healthy relationships; and (10) impaired functioning secondary to drug use, medical illness, and cognitive impairment.

Essentially, there are two sources of self-esteem. One is based on praise from other people. We feel good about ourselves as children because our parents and others who care about us say we are good. This source of self-esteem is usually superficial and doesn't last that long, especially as we age and learn that we must actually do something to earn praise.

The second and more important type of self-esteem is derived from mastery. Whenever we master a task, improve a skill set, learn something new, or find better ways of having our needs met, we experience an increase in self-esteem. The more tasks we master, the more self-esteem we have.

When people are involved in a divorce, they generally lose self-esteem. To many, divorce is an admission of per-

sonal inadequacy and failure. Those whose self-esteem has been damaged during the course of a marriage feel even worse about themselves at the time of divorce, viewing the breakdown of the marriage as proof of how inadequate they really are. These people are vulnerable to further narcissistic injury with minimal provocation because they already suffer from a low self-esteem.

Unrealistically high self-esteem

On the flip side, some people suffer from an unrealistically high degree of self-esteem, meaning self-esteem that is based more on a person's self-perception than on his or her actual accomplishments and value. These people tend to feel that they are more important than other people, that they are entitled to special treatment, that they are more powerful than they actually are, that they are blameless, and that others should admire them because they are wonderful.

People who suffer from unrealistically high self-esteem are easily wounded. Even minor slights are experienced as intolerable and unjustified attacks to which they may respond with rageful and demeaning accusations and behavior. It is as though these people experience an increase in self-esteem by stomping out and thereby silencing their attacker. These people have generally based their self-esteem on feedback they receive from others, rather than from mastery. They also are more likely to generate conflict when their needs go unmet, including the need for admiration and other types of interaction that feed one's "ego."

To assess the risks to your personal or professional safety,

it often is necessary to obtain a more complete understanding of the client's psychological state. The client is an obvious source of this information. Initiate a discussion with the client about his or her anger and the reasons for it. This may provide a clearer view of the client's thought processes, and sometimes will defuse the anger and allow for repair of the attorney-client relationship. Generally, people act out when they are unable to put their feelings into words. Helping a client verbalize his or her feelings often helps diminish the likelihood of action.

The attorney's empathic encouragement of open communication can provide a productive means of managing the client's anger and frustration. An open discussion of what factors are causing the client to feel angry can help him or her see the variety of sources of that anger and frustration, which, in turn, lessens the client's targeted focus on the attorney as the root cause of the problem. Discussing possible solutions regarding anger can lead to peace-making and enable client and attorney to mend fences and continue working together.

Sometimes the client's anger toward an attorney is justified. In the throes of a case, a legal representative may treat a client dismissively and disrespectfully, trivializing issues that are important to the client when that person is in a weakened psychological state. Sometimes a client feels disrespected when the attorney takes too long to respond to telephone calls or e-mails. A client is likely to feel hurt and angry when excessively criticized for problems that he or she has created, problems that make the attorney's job more difficult than it should be.



WHO IS DANGEROUS?

No one can predict danger absolutely. There are simply too many variables. It is

possible, however, to assess the type and degree of risk one faces and minimize the potential for both short and long-term damage to oneself, both personally and professionally. Knowing who to suspect can be life-saving.

Those most likely to become dangerous (1) have a history of dangerous behavior; (2) behave in an impulsive and erratic fashion; (3) are paranoid; (4) are addicted to substances, including alcohol; (5) lack a conscience; (6) are incapable of empathizing with others; (7) have poor communication skills; (8) hold grudges; (9) are vengeful; (10) lack a support system; (11) are desperate; (12) tend to ruminate; and (13) believe that they have no way to redress the damage done to them other than to attack.

Warning signs

People who become dangerous often send out signals of impending destructive behavior. To manage a client successfully and avoid harm, know the signs of impending danger:

- 1 Increasingly severe complaints regarding the attorney's performance and how the legal case is unfolding;
- 2 Repeatedly blaming the attorney for damage to the client when the attorney clearly is not the cause;
- 3 Threatening a grievance and/or a malpractice action if the attorney does not make the situation "right";
- 4 A stated intent to seek revenge and how one might obtain it;
- 5 An increasing inability to manage emotions appropriately (including outside the attorney's office);
- 6 Showing up at the attorney's office in an intoxicated state;
- 7 An arrest for domestic abuse or other violent crimes;
- 8 Distrust of other people and a paranoid response to situations;
- 9 Access to lethal weapons and talk, even jokingly, about using them;
- 10 A significant deterioration in the relationship between the client and the attorney; and
- 11 Any behavior on the part of the client that causes the attorney to feel frightened or at risk.

Not all of these signals are indicative of impending danger. However, the more danger signs there are, the higher the risk of impending danger.

—D.L.C.

It is very important for the attorney to listen to the client's complaints and take responsibility for professional and relational shortcomings when appropriate. Doing so helps the client feel that the attorney can be trusted and is responding with respect.

Resolution of the conflict between client and attorney is easier to achieve when both understand what the conflict is about. Identifying the sources of the conflict can lead to a commitment from the client and attorney to treat each other in a more respectful fashion and to refrain from making damaging or insensitive comments in the future. Such a discussion can lead to a "healing" of the narcissistic damage that has been done and a strengthening of the partnership between them.

If a client cannot engage in a discussion about his or her anger or if the attorney unjustly blames the client for feeling angry, no solution to the conflict may be had

Such a discussion also can provide a forum for talking about other issues that might be involved, such as the client's unrealistic expectations regarding what the attorney can accomplish, financial stress that the client might be experiencing and that the client blames on the attorney, how the responsibilities regarding the legal case are to be divided between the client and the attorney, and how to ensure optimal communication between them.

Such resolution may be difficult to come by if the client and the attorney are unable to assume responsibility for part of the problem. If a client cannot engage in a discussion about his or her anger or if the attorney unjustly blames the client for feeling angry, no solution to the conflict may be had, in which case the attorney should take protective measures to ensure his or her professional and personal safety. A family law attorney can take steps to increase the likelihood that he or she remains safe while working with angry, frustrated, and impulsive clients. Certain steps can be taken as a matter of policy. Others can be taken on a case-by-case basis.

As a matter of policy:

1. Safeguard your personal phone number and address.
2. Refrain from sharing personal information, including details about your family, friends, or life patterns.
3. Always meet clients in a safe place, preferably with other people nearby.
4. Maintain a high degree of professionalism.
5. Protect the client's self-esteem.
6. Be fair, especially with regard to fees.
7. Educate the client regarding the legal process, appropriate expectations regarding the attorney's responsibilities and responsiveness, and the responsibilities of the client. Include such details in the fee agreement.
8. Refrain from making promises you cannot keep.
9. Keep detailed records regarding client interactions.

Decrease risks

Then, on a case-by-case basis and where appropriate, take steps to decrease risk:

1. Monitor the client's level of anger at each meeting.
2. Let the client know that he or she is making you or a staff member uncomfortable.
3. Assess your immediate risk based on the client's demeanor, level of anger, and responses.
4. Consult with the client's family members to obtain information about his or her mental state.
5. Include a staff member in meetings with the client.
6. Have an exit plan in the event the meeting becomes dangerous.
7. If possible, sit near a security alarm button.
8. Meet in a setting with security, such as a courthouse where weapons are removed from entrants and trained personnel are present to protect you.
9. Encourage the client to seek the help of a mental health professional. (See also Willick, page 41.)

Keep in mind that people often feel offended when asked about their mental health, particularly if they suffer from low self-esteem. If necessary, speak with the client about having an evaluation for treatment in an empathetic, nonjudgmental manner while emphasizing the common-place occurrence of psychological distress during a divorce. It also is important to keep in mind that a client should not be considered "safe" simply because he or she has agreed to treatment.

Conclusion

Although there is no way to conclusively predict dangerousness, there are ways of assessing the degree of risk that an attorney may face in relation to a specific client. Keeping oneself safe depends primarily on developing an accurate perspective of the client's emotional stability, history of violence, and impulse control, while maintaining a respectful, empathic, fair, and honest attorney-client relationship.

Generally, a strong attorney-client relationship provides the greatest degree of safety. When the client likes and respects the lawyer, he or she is much less likely to cause harm, despite an impulse to do so—a very important outcome when working in a war zone. **FA**



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